IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

WP(C).No. 2074 of 2007(Y)

PETITIONER:

ISSAC VARGHESE,
S/O.VARGHESE, THANIKAL HOUSE,
KANJIKODE, PALAKKAD DISTRICT.

BY ADV. SRI.P.K.ASHOKAN
SRI.V.JOHN SEBASTIAN RALPH
SRI.M.R.VENUGOPAL

RESPONDENTS:
---

1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY,
DEPARTMENT OF HOME AND VIGILANCE,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR GENERAL OF POLICE,
THIRUVANANTHAPURAM.

3. THE DIRECTOR,
VIGILANCE AND ANTI CORRUPTION BUREAU,
T.V.M.

4. THE MALABAR CEMENTS LTD., WALAYAR,
PALAKKAD DISTRICT,
REPRESENTED BY ITS MANAGING DIRECTOR.

R4 BY ADV. SRI.K.ANAND (A.201)
SMT.LATHA KRISHNAN
R1 TO 3 BY SR. G.P. SRI M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.P.(C).No.2074 of 2007

Dated, this the 4th day of June, 2007

JUDGMENT

H.L.Dattu, C.J.

Petitioner is a political worker. He is before this court for the following reliefs. They are as under:

i. issue a writ of mandamus or any other appropriate writ, or order directing the respondents to conduct a vigilance investigation to the various irregularities improper actions found out in Ext.P1 and P2, the audit report and also the specific allegations mentioned in Exts.P4 and P5 and also about the other aspects of the working in the company and initiate proper and legal action on the findings in the report.

ii. Issue any such other writ, direction or order which this court may deem fit and proper considering the facts and circumstances of the case."

2. When the matter had been posted before this court on an earlier occasion, this court had directed notice to the respondents.

3. The matter is again posted before the court for further orders.

4. Learned counsel appearing for the State Government has produced before us a communication received by him from the Principal Secretary to the Government dated 1.6.2007. The communication reads as under:

" GOVERNMENT OF KERALA

No.5103/H2/2007/ID. Industries (H) Department,
Thiruvananthapuram,
Dated 1.6.2007

From

The Principal Secretary to Government.

To

Sri M.R. Sabu,
Senior Government Pleader,
Office of the Advocate General,
Ernakulam.

FAX: 0480-2394674

Sir,

Sub:- WP(C) 2074/2007 - filed by Shri. Issac Varghese, Palakkad
- Vigilance Enquiry against the irregularities in Malabar Cements - Reg.

Ref:- 1. Your Fax Message No.WP(C) No.2074/07/N3 dated 28.5.07 addressed to the Principal Secretary, Vigilance (B) Department.

2. Fax Message No.1592/B1/07/Vig dated 1.6.07 from the Additional Chief Secretary, Vigilance Department.

I am to invite your attention to the reference cited and to inform you that Government decided to conduct a vigilance enquiry into the irregularities found in the Audit report pertaining to the Malabar Cements Limited and the allegations contained in the Exhibit P4 and P5.

Yours faithfully,
K.R.Nirmala Devi
Additional Secretary,
For Principal Secretary to Government."

5. In view of this development, in our opinion, as on today, the reliefs sought for by the petitioner would not survive for consideration. Accordingly this writ petition is rejected. Ordered accordingly.

(**H.L.DATTU)**
CHIEF JUSTICE

(K.T.SANKARAN)
JUDGE

mt/-